



PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

[Horton] – [Case VAC2023-0001]

The Canyon County Planning and Zoning Commission considers the following:

- 1) Plat vacation to remove the 12-foot utility and irrigation easement along the northeast and south lot lines located on Lot 4, Block 1, Kodiak Subdivision. The 20 ft Easement for Kennedy Lateral will not be affected by this application.

[Located at 4832 Meadowlark Ln (Parcel Number: R30430103), a portion of the NW¼ of Section 08, T3N, R1W, BM, Canyon County, Idaho]

Summary of the Record

1. The record is comprised of the following:

1. The record includes all testimony, the staff report, exhibits, and documents in Case File VAC2023-0001.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §07-17-35 Subdivision/Easement Vacation, Idaho Code §50-1306A, Idaho Code §50-1324, and Canyon County Code §07-02-03 (Definitions).
 - a. Notice of the public hearing was provided per CCZO §07-05-01.
 - b. Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01 and 07-17-35.
3. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
4. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
5. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (VAC2023-0001) was presented at a public hearing before the Canyon County Planning and Zoning Commission on June 15, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

CCZO §07-17-35: Subdivision/Easement Vacation

1. Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.

Conclusion: Property owners, Philip & Glenda Horton, submitted a plat vacation application on February 10, 2023.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

2. Upon receipt of the completed application and other information as may be required, DSD shall affix the date of application acceptance thereon. The application shall be considered by the commission at a public hearing noticed as provided for in Article 5 of this chapter. Vacations shall be processed in accordance with the regulations set forth in Idaho Code §50-1306A and recorded in accordance with the regulations set forth in Idaho Code §50-1324.

Conclusion: The application was processed and noticed in accordance with Chapter 7, Article 5 of the Canyon County Zoning Ordinance (CCZO)

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

Idaho Code §50-1306A

- A. Any person, persons, firm, association, corporation, or other legally recognized form of business desiring to vacate a plat or any part thereof must petition the city council if it is located within the boundaries of a city, or the county commissioners if it is located within the unincorporated area of the county. Such petition shall set forth particular circumstances of the requests to vacate; contain a legal description of the platted area or property to be vacated; the names of the persons affected thereby, and said petition shall be filed with the city clerk.

Conclusion: Property owners, Philip & Glenda Horton, submitted a plat vacation application on February 10, 2023.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

- B. Written notice of public hearing on said petition shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper of the city, the last of which shall be not less than seven (7) days prior to the date of said hearing; provided, however, that in a proceeding as to the vacation of all or a portion of a cemetery plat where there has been no interment, or in the case of a cemetery being within three hundred (300) feet of another plat for which a vacation is sought, publication of the notice of hearing shall be the only required notice as to the property owners in the cemetery.

Conclusion: The above noticing requirement is required for the public hearing before the Board of County Commissioners. The Planning and Zoning hearing was processed and noticed in accordance with Chapter 7, Article 5 of the Canyon County Zoning Ordinance (CCZO).

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

- C. When the procedures set forth herein have been fulfilled, the city council may grant the request to vacate with such restrictions as they deem necessary in the public interest.

Conclusion: Not applicable.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

D. If a petition to vacate is brought before county commissioners, and the plat or part thereof which is the subject of the petition is located within one (1) mile of the boundaries of any city, the county commissioners shall cause written notice of the public hearing on the petition to be given to the mayor or chief administrative officer of the city by regular mail at least thirty (30) days prior to the date of the public hearing.

Conclusion: The request is located in the City of Nampa's impact area. The City of Nampa was notified on May 4, 2023.

Findings: (1) The City of Nampa responded with the following comment: Nampa Engineering Division has no concern with the request (Attachment 4d).
(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

E. In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate is not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by certified mail, return receipt requested, of the proposed vacation and have agreed to the same in writing.

Conclusion: All utility agencies were notified on May 4, 2023. Neighbors were notified on May 5, 2023.

Findings: (1) The applicant provided signatures from all residents within Kodiak Subdivision residents, Sparklight (Cable One), Southwest District Health, Intermountain Gas, Lumen, and Idaho Power (Exhibit B Attachment 2), The City of Nampa that they do not oppose this easement vacation. (Exhibit B Attachment 4d).
(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on May 4, 2023. Newspaper notice was published on May 5, 2023. Property owners within 600' were notified by mail on May 5, 2023. Full political notice was provided on May 4, 2023. The property was posted on May 11, 2023.
(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.
(4) Evidence includes associated findings and evidence supported within this document.

F. When public streets or public rights-of-way are located within the boundary of a highway district, the highway district commissioners shall assume the authority to vacate said public streets and public rights-of-way as provided in §40-203, Idaho Code.

Conclusion: The request does not include vacation of any public streets or public right-of-ways. Therefore, this is not applicable to this application.

G. All publication costs shall be at the expense of the petitioner

Conclusion: Publication costs are covered by the County as part of the application fee. The publication was completed on May 5, 2023.

H. Public highway agencies acquiring real property within a platted subdivision for highway right-of-way purposes shall be exempt from the provisions of this section

Conclusion: Not applicable to this application.

- I. Land exclusive of public right-of-way that has been subdivided and platted in accordance with this chapter need not be vacated in order to be re-platted.

Conclusion: Not applicable to this application.

3. The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval or denial.

Conclusion: See Order below.

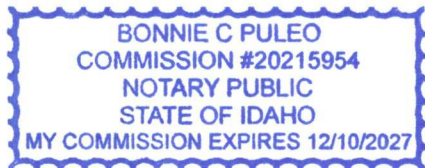
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **recommends approval** of Case #VAC2023-0001, a Plat Vacation to remove the 12 ft Utility Easement along the northeast, and south boundaries on lot 4 block 1 of Kodiak Subdivision Final Plat.

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. This vacation does not include the 20 ft Kennedy Lateral easement that shall remain on the plat for Kodiak Subdivision and shall not be encroached upon by any structures or overhangs.
3. Standard County setbacks must be met for all proposed structures.
4. A new Final Plat shall be recorded in accordance with 50-1306A(5) and 50-1324.

DATED this 15 day of June, 2023.



State of Idaho)

**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**


Robert Sturgill, Chairman

SS

County of Canyon County)

On this 15th day of June, in the year 2023, before me Bonnie Puleo, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: Bonnie Puleo
My Commission Expires: 12/10/2027



Planning & Zoning Commission
Canyon County Development Services Dept.
Case Type: VAC2023-0001

HEARING DATE: June 15, 2023

OWNER: Philip & Glenda
Horton

APPLICANT/REP: N/A

PLANNER: Sage Huggins

CASE NUMBER: VAC2023-0001

LOCATION: R30430103; lot 4
block 1 within
Kodiak
Subdivision



PROJECT DESCRIPTION:

The applicants, Philip & Glenda Horton, are requesting a plat vacation to remove the 12-foot utility and irrigation easement along the northeast and south lot lines located on Lot 4, Block 1, Kodiak Subdivision. The 20 ft Easement for Kennedy Lateral will not be affected by this application.

PARCEL INFORMATION: Exhibit 1 (*Parcel Tool Info*)

PROJECT OVERVIEW

The applicants are requesting to vacate the irrigation & utility easement to allow for the construction of a shop (Exhibit 2, Attachment 1 and 2).

Existing Conditions:

Direction	Existing Conditions	Primary Zone	Other Zones
N	Rural Residential	A	
E	Rural Residential	A	
S	Single Family Residential/ Carol Manor Subdivision	A	
W	Single Family Residential/ Kodiak Subdivision	R-1	

“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)

Surrounding Land Use Cases:

Within one (1) mile of the site, there have been two (2) land use cases since 2018.
(Exhibit B Attachment 3e)

- RZ2021-0032- Rezone Ag to R-1, Approved
- OR2021-0015- Comprehensive Plan Map change from Ag to Res, Approved

Character of the Area:

- The immediate area contains small acreage properties within an “A” (Agricultural) zone. The parcel is located within Kodiak Subdivision, which is adjacent to Carol Manor Subdivision. Significant agricultural crop production is located further to the north across Cherry Ln and to the northeast. City limits are 0.25 miles northwest of the subject property with the area transitioning to residential. (Exhibit B, Attachment 1 & 3).

Access and Traffic:

- Access is provided to the property via Meadowlark Lane, a private road, that was approved during the platting process in 2017. The private road comes off Star Road, a proposed major collector maintained by the City of Nampa. This application does not affect existing traffic conditions (Exhibit 2, Attachment 4b).

Facilities:

- The applicant and Canyon County received signatures from all Kodiak Subdivision residences, Sparklight (Cable One), Southwest District Health, Intermountain Gas, Lumen, Idaho Power, and the City of Nampa indicated that they do not oppose the proposed easement vacation. (Exhibit B Attachment 2 and Attachment 4).

Essential Services:

- Essential Services were noticed of the easement vacation and no comments were received.

POTENTIAL IMPACTS:

- Structures must comply with the required setbacks (CCZO Section 07-10-21) and be maintained outside the Kennedy lateral 20 ft easement with no encroachments.
 - o This would be reviewed at the time of building permit.
- The subdivision ordinance 071709(1)E5 states the utility easement width shall be a minimum of 10 ft from exterior boundaries and 5 ft from interior lot lines and shown graphically on the plat.171713(4)C. The vacation of the easement would not align with this ordinance.
 - o Carol Manor Subdivision, south of the subject property, contains a 28’ easement for a future road that could be used for utility purposes in the future.

COMMENTS:

- Agencies:
 - Idaho Department of Environmental Quality (Exhibit B Attachment 4a): General comments regarding air quality, wastewater, drinking water, surface water, etc.
 - Nampa Highway District (Exhibit B Attachment 4b): *“Nampa Highway District #1 has no comment as the Utility and Irrigation easement is not the Highway District’s jurisdiction.”*
 - Idaho Transportation Department (Exhibit B Attachment 4c): *“After careful review of the transmittal submitted to ITD on March 1, 2023 regarding Horton / VAC2023-0001, the Department has no comments or concerns to make at this time. The vacation of the easements does not impact the state highway system.”*
 - Nampa Engineering Department (Exhibit B Attachment 4d): *“Our City Engineer came by just now and told me he had already talked with the applicant about this and had no concern with their request. Please rescind my previous comment and note that Nampa Engineering Division has no concern with the request.”*

- Idaho Power (Exhibit B Attachment 4e): Upon review of the attached letter, Idaho records indicate no company facilities are located within that certain area identified as the northernly and southernly easement area proposed for vacation. Therefore, Idaho Power has no objection to the proposed vacation of the area described and attached hereto.”
- No public comments were received

RECOMMENDATION:

Staff is recommending approval of the request and has provided Findings of Fact, Conclusions of Law & Order (Exhibit B).

DECISION OPTIONS:

- The Planning and Zoning Board may recommend that the Board approve the Plat Vacation;
- The Planning and Zoning Board may recommend that the Board deny the Plat Vacation and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Board may continue the discussion and request additional information on specific items

ATTACHMENTS/EXHIBITS:

Exhibit A: Parcel Tool

Exhibit B: Draft FCO's

Attachment 1: Site Photos

Attachment 2: Letter of Intent, concept plan, agency responses to the applicant

Attachment 3: Maps

- a: Small Aerial
- b: Zoning
- c: Future Land Use
- d: Subdivision
- e: Cases
- f: Soil Report

Attachment 4: Agency Comments

- a: Idaho Department of Environmental Quality
- b: Nampa Highway District No. 1
- c: Idaho Transportation Department
- d: City of Nampa Engineering
- e: Idaho Power

R30430103 PARCEL INFORMATION REPORT

5/31/2023 9:52:59 AM

PARCEL NUMBER: R30430103**OWNER NAME: HORTON PHIL E AND GLENDA L FAMILY TRUST****CO-OWNER:****MAILING ADDRESS: 4832 MEADOWLARK LN NAMPA ID 83687****SITE ADDRESS: 4832 MEADOWLARK LN****TAX CODE: 0090000****TWP: 3N RNG: 1W SEC: 08 QUARTER: NW****ACRES: 1.06****HOME OWNERS EXEMPTION: No****AG-EXEMPT: No****DRAIN DISTRICT: NOT In Drain Dist****ZONING DESCRIPTION: AG/R1 / SINGLE FAMILY RESIDENTIAL****HIGHWAY DISTRICT: NAMPA HWY DIST****FIRE DISTRICT: NAMPA FIRE****SCHOOL DISTRICT: WEST ADA SCHOOL DISTRICT****IMPACT AREA: NAMPA****FUTURE LAND USE 2011-2022 : Res****FLU Overlay Zone Desc 2030:****FLU RR Zone Desc 2030:****FUTURE LAND USE 2030: Res****IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL****FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0401F****WETLAND: Riverine****NITRATE PRIORITY: NO Nitrate Prio****FUNCTIONAL Classification: NOT In COLLECTOR****INSTRUMENT NO. : 2019061691****SCENIC BYWAY: NOT In Scenic Byway****LEGAL DESCRIPTION: 08-3N-1W NW KODIAK SUB LT 4 BLK 1****PLATTED SUBDIVISION: KODIAK SUB****SMALL CITY ZONING:****SMALL CITY ZONING TYPE:****DISCLAIMER:**

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS, POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

[Horton] – [Case VAC2023-0001]

The Canyon County Planning and Zoning Commission considers the following:

- 1) Plat vacation to remove the 12-foot utility and irrigation easement along the northeast and south lot lines located on Lot 4, Block 1, Kodiak Subdivision. The 20 ft Easement for Kennedy Lateral will not be affected by this application.

[Located at 4832 Meadowlark Ln (Parcel Number: R30430103), a portion of the NW¹/₄ of Section 08, T3N, R1W, BM, Canyon County, Idaho]

Summary of the Record

1. The record is comprised of the following:

1. The record includes all testimony, the staff report, exhibits, and documents in Case File VAC2023-0001.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §07-17-35 Subdivision/Easement Vacation, Idaho Code §50-1306A, Idaho Code §50-1324, and Canyon County Code §07-02-03 (Definitions).
 - a. Notice of the public hearing was provided per CCZO §07-05-01.
 - b. Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01 and 07-17-35.
3. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
4. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
5. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (VAC2023-0001) was presented at a public hearing before the Canyon County Planning and Zoning Commission on June 15, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

CCZO §07-17-35: Subdivision/Easement Vacation

1. Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.

Conclusion: Property owners, Philip & Glenda Horton, submitted a plat vacation application on February 10, 2023.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

2. Upon receipt of the completed application and other information as may be required, DSD shall affix the date of application acceptance thereon. The application shall be considered by the commission at a public hearing noticed as provided for in Article 5 of this chapter. Vacations shall be processed in accordance with the regulations set forth in Idaho Code §50-1306A and recorded in accordance with the regulations set forth in Idaho Code §50-1324.

Conclusion: The application was processed and noticed in accordance with Chapter 7, Article 5 of the Canyon County Zoning Ordinance (CCZO)

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

Idaho Code §50-1306A

- A. Any person, persons, firm, association, corporation, or other legally recognized form of business desiring to vacate a plat or any part thereof must petition the city council if it is located within the boundaries of a city, or the county commissioners if it is located within the unincorporated area of the county. Such petition shall set forth particular circumstances of the requests to vacate; contain a legal description of the platted area or property to be vacated; the names of the persons affected thereby, and said petition shall be filed with the city clerk.

Conclusion: Property owners, Philip & Glenda Horton, submitted a plat vacation application on February 10, 2023.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

- B. Written notice of public hearing on said petition shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper of the city, the last of which shall be not less than seven (7) days prior to the date of said hearing; provided, however, that in a proceeding as to the vacation of all or a portion of a cemetery plat where there has been no interment, or in the case of a cemetery being within three hundred (300) feet of another plat for which a vacation is sought, publication of the notice of hearing shall be the only required notice as to the property owners in the cemetery.

Conclusion: The above noticing requirement is required for the public hearing before the Board of County Commissioners. The Planning and Zoning hearing was processed and noticed in accordance with Chapter 7, Article 5 of the Canyon County Zoning Ordinance (CCZO).

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

- C. When the procedures set forth herein have been fulfilled, the city council may grant the request to vacate with such restrictions as they deem necessary in the public interest.

Conclusion: Not applicable.

Findings: Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

D. If a petition to vacate is brought before county commissioners, and the plat or part thereof which is the subject of the petition is located within one (1) mile of the boundaries of any city, the county commissioners shall cause written notice of the public hearing on the petition to be given to the mayor or chief administrative officer of the city by regular mail at least thirty (30) days prior to the date of the public hearing.

Conclusion: The request is located in the City of Nampa's impact area. The City of Nampa was notified on May 4, 2023.

Findings: (1) The City of Nampa responded with the following comment: Nampa Engineering Division has no concern with the request (Attachment 4d).
(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.

E. In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate is not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by certified mail, return receipt requested, of the proposed vacation and have agreed to the same in writing.

Conclusion: All utility agencies were notified on May 4, 2023. Neighbors were notified on May 5, 2023.

Findings: (1) The applicant provided signatures from all residents within Kodiak Subdivision residents, Sparklight (Cable One), Southwest District Health, Intermountain Gas, Lumen, and Idaho Power (Exhibit B Attachment 2), The City of Nampa that they do not oppose this easement vacation. (Exhibit B Attachment 4d).
(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on May 4, 2023. Newspaper notice was published on May 5, 2023. Property owners within 600' were notified by mail on May 5, 2023. Full political notice was provided on May 4, 2023. The property was posted on May 11, 2023.
(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. VAC2023-0001.
(4) Evidence includes associated findings and evidence supported within this document.

F. When public streets or public rights-of-way are located within the boundary of a highway district, the highway district commissioners shall assume the authority to vacate said public streets and public rights-of-way as provided in §40-203, Idaho Code.

Conclusion: The request does not include vacation of any public streets or public right-of-ways. Therefore, this is not applicable to this application.

G. All publication costs shall be at the expense of the petitioner

Conclusion: Publication costs are covered by the County as part of the application fee. The publication was completed on May 5, 2023.

H. Public highway agencies acquiring real property within a platted subdivision for highway right-of-way purposes shall be exempt from the provisions of this section

Conclusion: Not applicable to this application.

I. Land exclusive of public right-of-way that has been subdivided and platted in accordance with this chapter need not be vacated in order to be re-platted.

Conclusion: Not applicable to this application.

3. The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval or denial.

Conclusion: See Order below.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **recommends approval** of Case #VAC2023-0001, a Plat Vacation to remove the 12 ft Utility Easement along the northeast, and south boundaries on lot 4 block 1 of Kodiak Subdivision Final Plat.

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. This vacation does not include the 20 ft Kennedy Lateral easement that shall remain on the plat for Kodiak Subdivision and shall not be encroached upon by any structures or overhangs.
3. Standard County setbacks must be met for all proposed structures.
4. A new Final Plat shall be recorded in accordance with 50-1306A(5) and 50-1324.

DATED this _____ day of _____, 2023.

**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this _____ day of _____, in the year 2023, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: _____

My Commission Expires: _____



Taken from the southwest of the subject property looking northeast at the home site. (photo point 1)



Taken from the southwest of the subject property looking west down Meadowlark Ln (private). (photo point 1)



Taken from the southwest of the subject property looking north at where the Kennedy Lateral is located behind the homesite and neighbors shop. (photo point 1)



Taken from the north of the subject property looking north at the Kennedy Lateral Location. (photo point 2)



Taken from the entrance of Meadowlark Ln (private) looking west where it meets Star Rd. (photo point 3)



Taken from the entrance of Meadowlark Ln (private) where it meets Star Rd looking east down the private Ln. (photo point 3)



Taken along Star Rd looking down Kennedy Lateral to the east that is located north of Kodiak Subdivision and the subject property. (photo point 4)



Taken along Star Rd looking down Kennedy Lateral to the east that is located north of Kodiak Subdivision and the subject property. (photo point 4)

February 10, 2023

Canyon County Development Service
111 North 11th Ave #310
Caldwell, ID 83605

RE: Plat Vacation Submittal
Detailed Letter of Intent

Detailed written letter of intent fully describing easements to be vacated and reasoning.

Deed of ownership is attached. Recorded original plat for Kodiak Subdivision is attached.

Vacate the 12 foot utility easements only on North and South side of Lot 4 Blk 1 Kodiak Subdivision. Vacating these 12 foot utility easements will help homeowner to better utilize the vacant land and accommodate personal shop at residence to be built on the far East side of Lot 4 Blk 1 Kodiak Subdivision.

Revised plat detailing easements to vacate, Mason & Associates Inc. Plat is attached.

No current utilities located within this 12 foot utility easement and no future expected need for the 12 foot utility easements. No neighbors currently or in the future are expected to be affected.

Owners of Lots 1, 2, 3, 4 Blk 1 Kodiak Subdivision has signed that they are aware and have no concerns or issues with these utility easements being vacated. Attached

Current Irrigation/lateral easement at 20 foot from exterior boundary on north side along Kennedy Lateral will not be changed or affected. Nampa Meridian Irrigation has been contacted but they are not able to respond in writing.

Construction is personal use only and not commercial.

SW Health district has been contacted. Authorization approval dated 9/6/2022. Attached

Intermountain Gas Company has responded in writing stating Intermountain Gas has reviewed gas line on the property of Lot 4 Blk 1 and have no objection in the vacation of the north and south 12' utility easements. Attached

Century link/Lumen has responded in email and map showing they do not have any facilities on record for that subdivision. Attached

City of Nampa, Daniel Badger, has been consulted on what the City of Nampa's stand would be and Mr. Badger doesn't feel there would be any problem with this request. Business card attached.

Idaho Power has a formal application to vacate easements. Application has been submitted via postal along with application fee. Application has also been submitted via email directly to easements@idahopower.com. Attached

Spark light internet has been sent email with request in writing. Will submit to Canyon County once received. Business card attached.

If you have questions about this response, please feel free to contact Phil Horton 208.941.3333 or Glenda Horton at 208.941.1347.



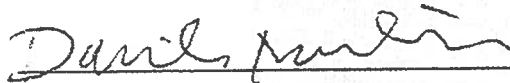
Respectfully,
Glenda Horton
Owner

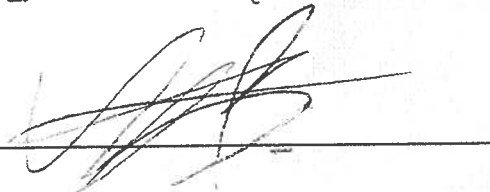
This map is furnished as an accommodation strictly for the purposes of generally locating the land. It does not represent a survey of the land or imply any representations as to the size, area, or any other facts related to the land shown hereon.

February 9, 2023


RE: Kodiak Subdivision Lot 4 Blk 1

As owners of the following lots in Kodiak Subdivision. We are aware of the application to vacate the 12 foot utility easements on the north and south boundaries of Lot 4 Blk 1 Kodiak Subdivision. We do not have any concerns or objections to this request now or in the future.

Lot 1 Blk 1 Daniela Martinez 

Lot 2 Blk 1 Juan Ramirez 

Lot 3 Blk 1 Nick Gibson  02/09/23

Lot 4 Blk 1 Phil Horton 



Re: Kodiak Subdivision
Lot 4 Block 1
T3n.,R1W., Section 8, Canyon County

To Whom It May Concern,

We, CableOne, Inc. dba Sparklight, reviewed the property easement listed for Lot 4 Block1. Sparklight has no objections in the vacation of the north and south side 12' utility easement along the subdivision boundary located in Kodiak Subdivision, Canyon County Idaho.

Sincerely,

A handwritten signature in black ink that reads "Dan Weed".

Daniel Weed
Construction Supervisor
Sparklight
2101 E Karcher Rd
Nampa, Idaho 83687



Southwest District Health
13307 Miami Lane
Caldwell, ID 83607
208-455-5400

Receipt No: 210210 Date: 9.1.2022
Fee: \$55- Document #: 013278-012027
Legal Desc: 3N 1W 8
Parcel #: 304301030
Subdivision: Kodiak Sub.

Accessory Use Approval Request

I Phil Horton am the current owner and/or authorized agent of real property located at 4832 Meadowlark Ln Nampa Id 83687. I hereby acknowledge, understand, and agree to the following:

1. I acknowledge that I am jointly and individually responsible for maintaining conformance with Idaho's Rules for Individual/Subsurface Sewage Disposal, IDAPA 58, Title 01, Chapter 03, as defined in IDAPA 58.01.03.002.04.
2. I understand that the Rules for Individual/Subsurface Sewage Disposal, IDAPA 58, Title 01, Chapter 03, must be met, and that Southwest District Health (SWDH) has granted this approval based on information I have provided.
3. I understand that I am voluntarily requesting this change to the property, and if I violate the below rules my subsurface sewage disposal system may be considered a non-conforming system. I understand that non-conforming systems do not meet the Rules for Individual/Subsurface Sewage Disposal, IDAPA 58, Title 01, Chapter 03, and that neither I, nor future owners, will be allowed future voluntary additions or alterations unless current permitting requirements are met.
4. I understand the following: that any modifications to the existing structure or the new structure foundation will not be within twenty feet (20') with basements, or ten feet (10') without basement, of my drainfield(s); the septic tank will not be within five feet (5') of the foundation; the drainfield(s) will not be within five feet (5') of property lines; the drainfield(s) area must be protected from vehicular traffic; the subsurface sewage disposal system(s) will not be receiving additional flows beyond those specified on the application; and the above requirements apply to both my primary and replacement drainfield system(s).
5. I agree to waive or release any right, claim, or cause of action which I may now have, or which I may have in the future, against SWDH, from any and all additional effects that may be caused or may have been caused by this approval.
6. I acknowledge that upon sale of this property, disclosure of any and all information relating to this subsurface sewage disposal system lies solely with me and/or my representatives/agent, and not with SWDH.

Applicant Signature: [Signature] Date: 08/23/2022

REHS/RS Signature: Anthony Lee Digitally signed by Anthony Lee
Date: 2022.09.06 10:12:16 -06'00' Date: 09/06/2022
(By signing above, SWDH approves the request as noted in the application.)

Date	09/06/22		
Travel			
Inspect			
EHS Code	035		

Comment(s): The proposed steel building meets minimum setback requirements to existing primary and replacement area.



Re: Kodiak Subdivision
Lot 4 Block 1
T3N., R1W., Section 8, Canyon County

Intermountain Gas has reviewed the existing gas line on the property of Lot 4 Block 1 and have no objections in the vacation of the north and south 12' utility easement along the subdivision boundary. If you have any questions, feel free to give me a call at 208/468-6711 or email me at mtaylor@intgas.com.

Sincerely,

Monica Taylor

Monica Taylor
GIS Field Tech
Nampa District Office
2921 Caldwell Blvd.
Nampa, ID 83651

Thanks
Glenda Horton
208-941-1347

[Quoted text hidden]

Walker, Brandy <Brandy.Walker@lumen.com>

Thu, Feb 2, 2023 at 2:28 PM

To: Glenda Horton <glenda.horton3333@gmail.com>, "Garrett, James" <James.Garrett@lumen.com>, "Klaudt, Gunnar" <Gunnar.Klaudt@lumen.com>

Glenda,

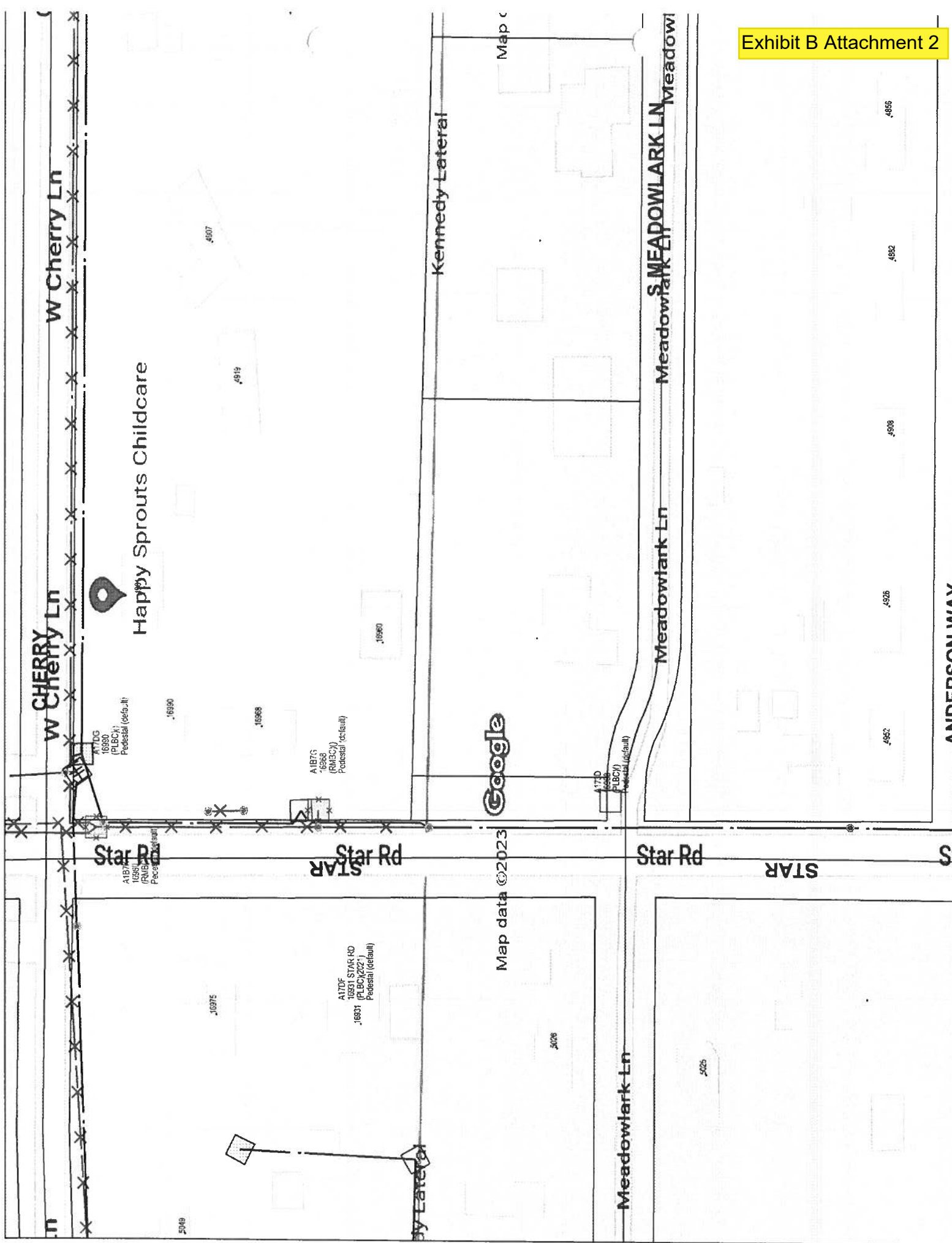
Requests for facility maps, relocations or easement vacations in the Nampa area should go to my fellow Engineer James Garrett. He is out of the office right now so I will answer. We don't have any facilities on record for that subdivision.

[Quoted text hidden]

[Quoted text hidden]



output.pdf
213K





DANIEL BADGER, P.E.
CITY ENGINEER
ENGINEERING DIVISION

(208) 468-5469
(208) 936-5690
BADGERD@CITYOFNAMPA.US

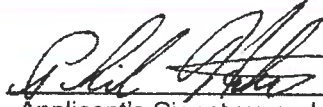
500 12TH AVENUE SOUTH
NAMPA, IDAHO 83651

CITYOFNAMPA.US

Idaho Power Application for Release of Easement

Applicant may be requested to pay other costs if required to complete this request (e.g., surveying, appraisal, title search, etc.)

Mail to: Corporate Real Estate Department: Land Management & Permitting (or email to easements@idahopower.com)
 Attn: Easement Specialist
 P.O. Box 70
 Boise, ID 83707-0070
 Phone: (208) 388-5070 or (208)-388-5263


 Philip Horton
 Applicant's Signature and Printed Name

Applicant Information

Applicant's Name <u>Philip E Horton</u>		Date <u>02/02/2023</u>	
Mailing Address <u>4832 Meadowlark Ln</u>		City <u>Nampa</u>	State <u>Id</u> Zip <u>83687</u>
Phone Cell <u>208.941.3333</u>	Cell	E-mail <u>glenda.horton3333@gmail.com</u>	

Current Property Owner Information

Owner's Name <u>Philip E Horton & Glenda L. Horton</u>			
Mailing Address <u>4832 Meadowlark Ln</u>		City <u>Nampa</u>	State <u>Id</u> Zip <u>83687</u>
Phone Cell Phil <u>208.941.3333</u>	Cell Glenda <u>208.941.1347</u>	E-mail <u>glenda.horton3333@gmail.com</u>	

Type

<input type="checkbox"/> Idaho Power Easement	<input checked="" type="checkbox"/> Public Utility Easement	<input type="checkbox"/> Road Right of Way	<input type="checkbox"/> Internal Request
---	---	--	---

Easement Information

Instrument # <u>2017-049775</u>	Date Recorded <u>11/15/2017</u>	Execution Date
---------------------------------	---------------------------------	----------------

Location Information

County <u>Canyon</u>	Quarter	Township	Range	Section
Subdivision <u>Kodiak Subdivision</u>	Block <u>1</u>	Lot <u>4</u>	Parcel Number / Assessor's Number <u>304301030</u>	

In addition to information provided, please explain request. (If more space is needed, please use the backside of this form.)

(Why is this needed? Is there a pending sale? Are there any associated public hearings? What are your dates of construction?)

Requesting Utility Easements on South & North boundary Lines of Lot 4 block 1 Kodiak Sub be vacated.

No Current Utilities within these Easements.

Required Enclosures (See explanations on cover letter)

<input checked="" type="checkbox"/> Complete Application	<input checked="" type="checkbox"/> Copy of easement, subdivision plat, or city town site
<input checked="" type="checkbox"/> Map of Location	<input checked="" type="checkbox"/> \$150 Application Fee <input checked="" type="checkbox"/> Legal Description

For IPC Use Only

Release Number	Application Received	Check Number	Date Completed
----------------	----------------------	--------------	----------------

AFFIDAVIT OF LEGAL INTEREST

State of _____)

ss

County of _____)

I, _____, _____
 (Name) (Address)
 _____, _____
 (City) (State/Zip)

Being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

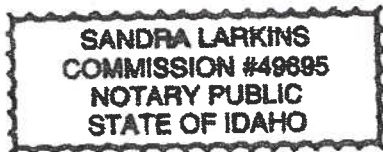
A. That I am the record owner of the property described on the attached, and I grant my permission to _____, ~~1833 Meadowlark Ln~~ to submit the accompanying application pertaining to that Property.
 (Name) (Address)

B. I agree to indemnify, defend and hold Idaho Power Company and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 3rd day of February, 2023

x Phil [Signature]
 (Signature)

Subscribed and sworn to before me the day and year first above written.



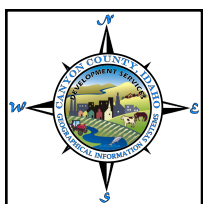
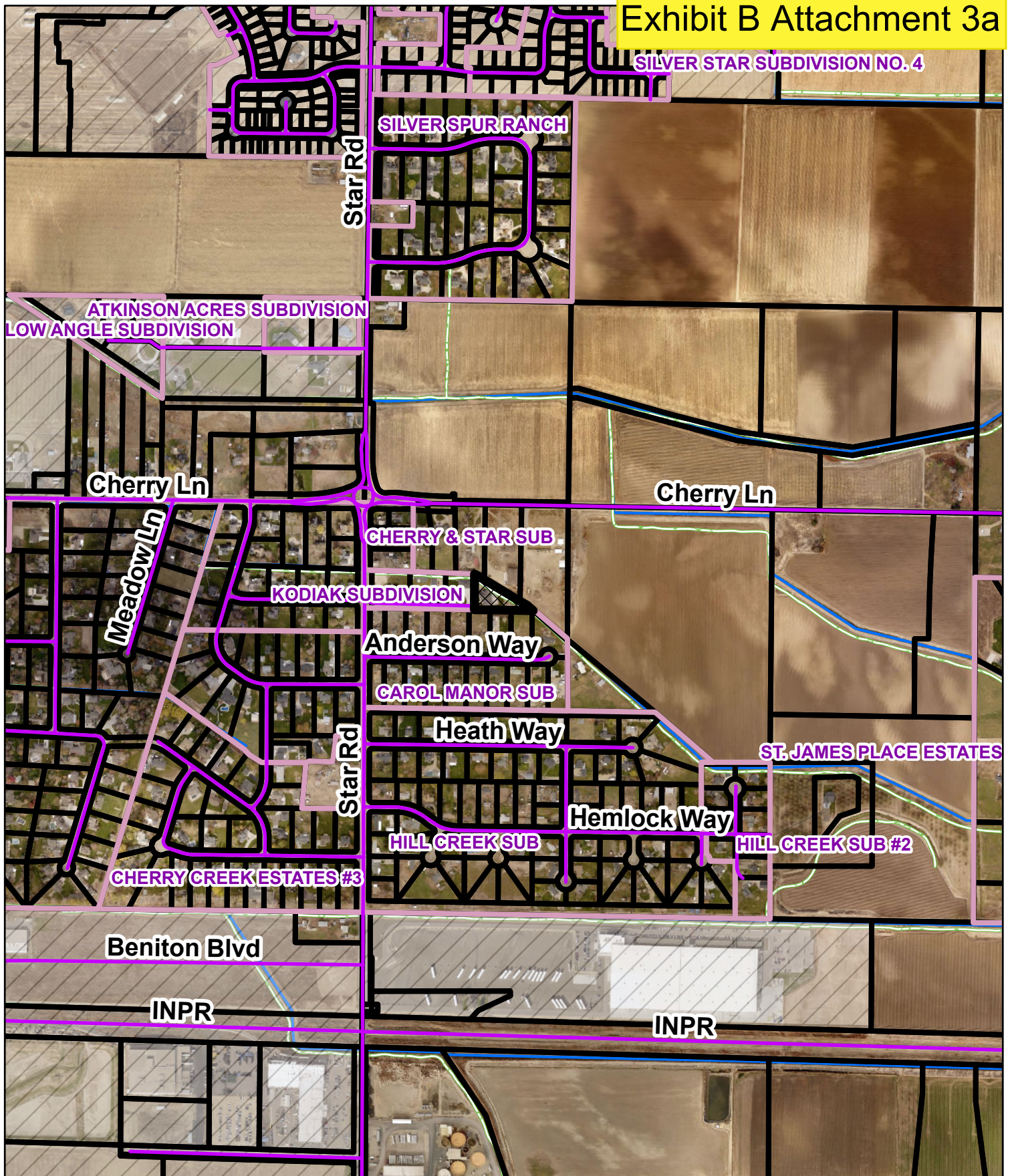
Sandra Larkins
 Notary Public for Idaho

Residing at: _____

My commission expires: _____

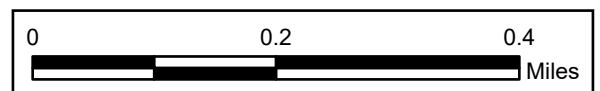
(NOTARY SEAL)

RESIDING IN BOISE, IDAHO
 COMMISSION EXPIRES 08/16/2025

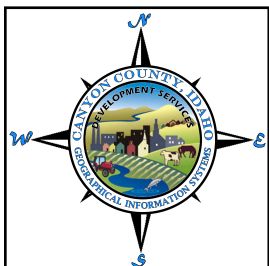
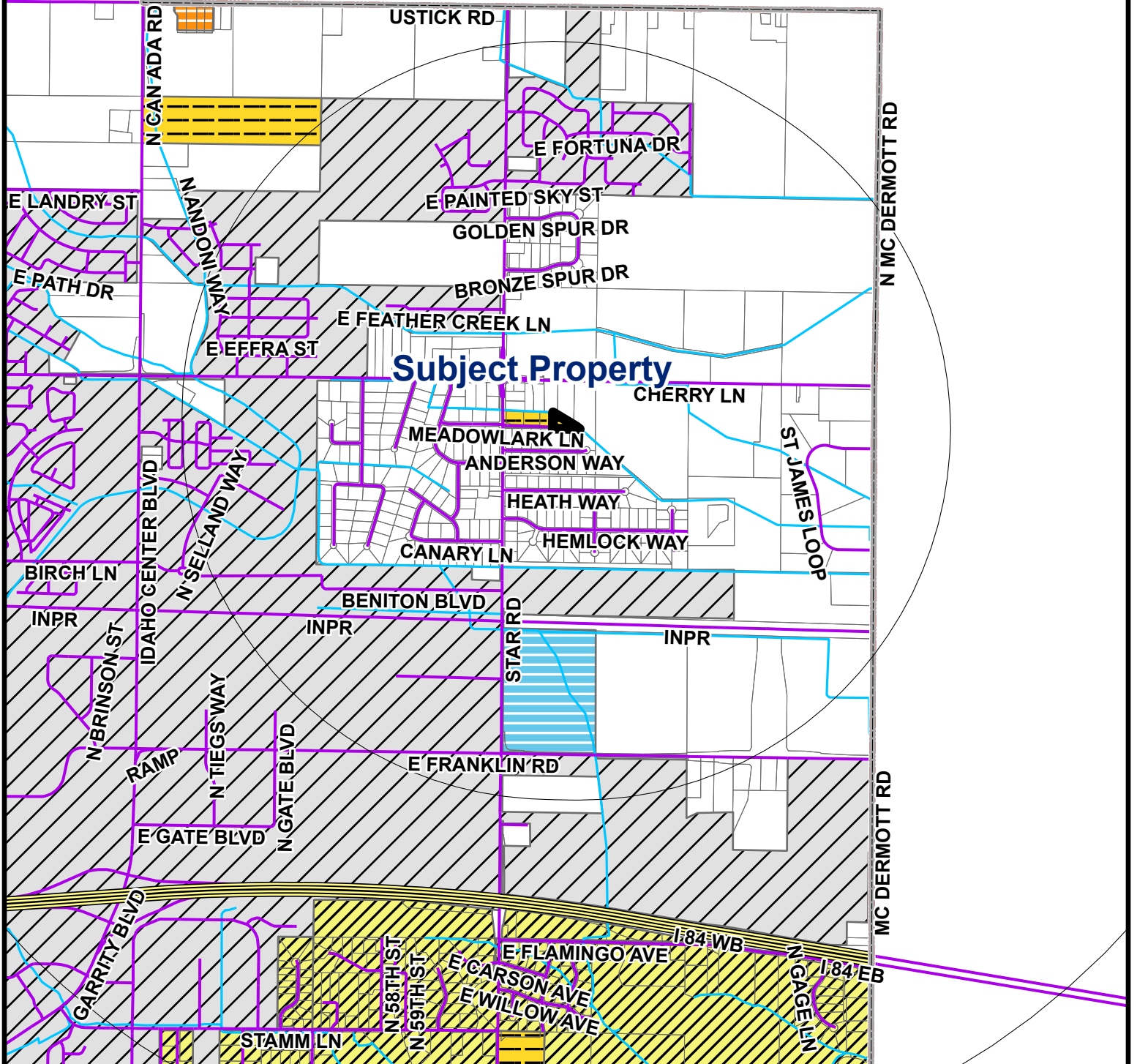


Legend

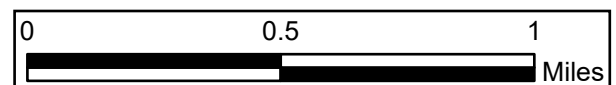
-  Wetlands
-  City_Limits



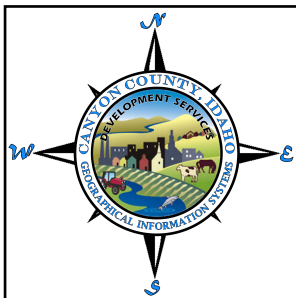
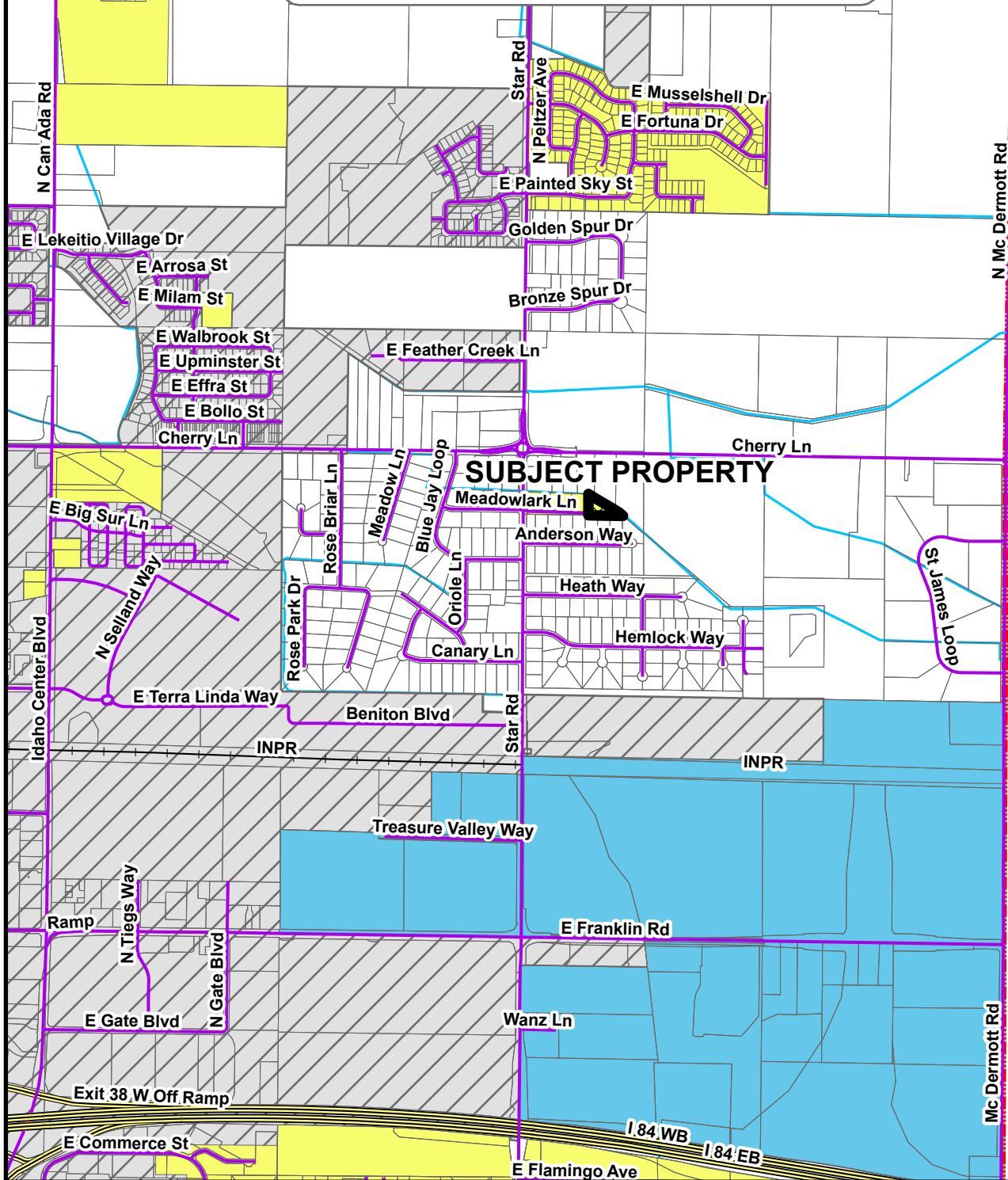
Horton Zoning & Classification Map



ZONING			
	RR		R2
	CR-RR		C
	R1		C1
	CR-R1		CR-C1
	C2		CR-C2
	M2		M1
	AG		CR-M1



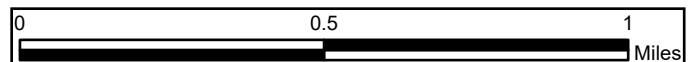
Horton Future Land Use map



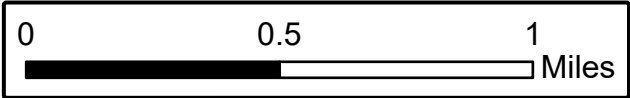
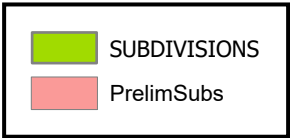
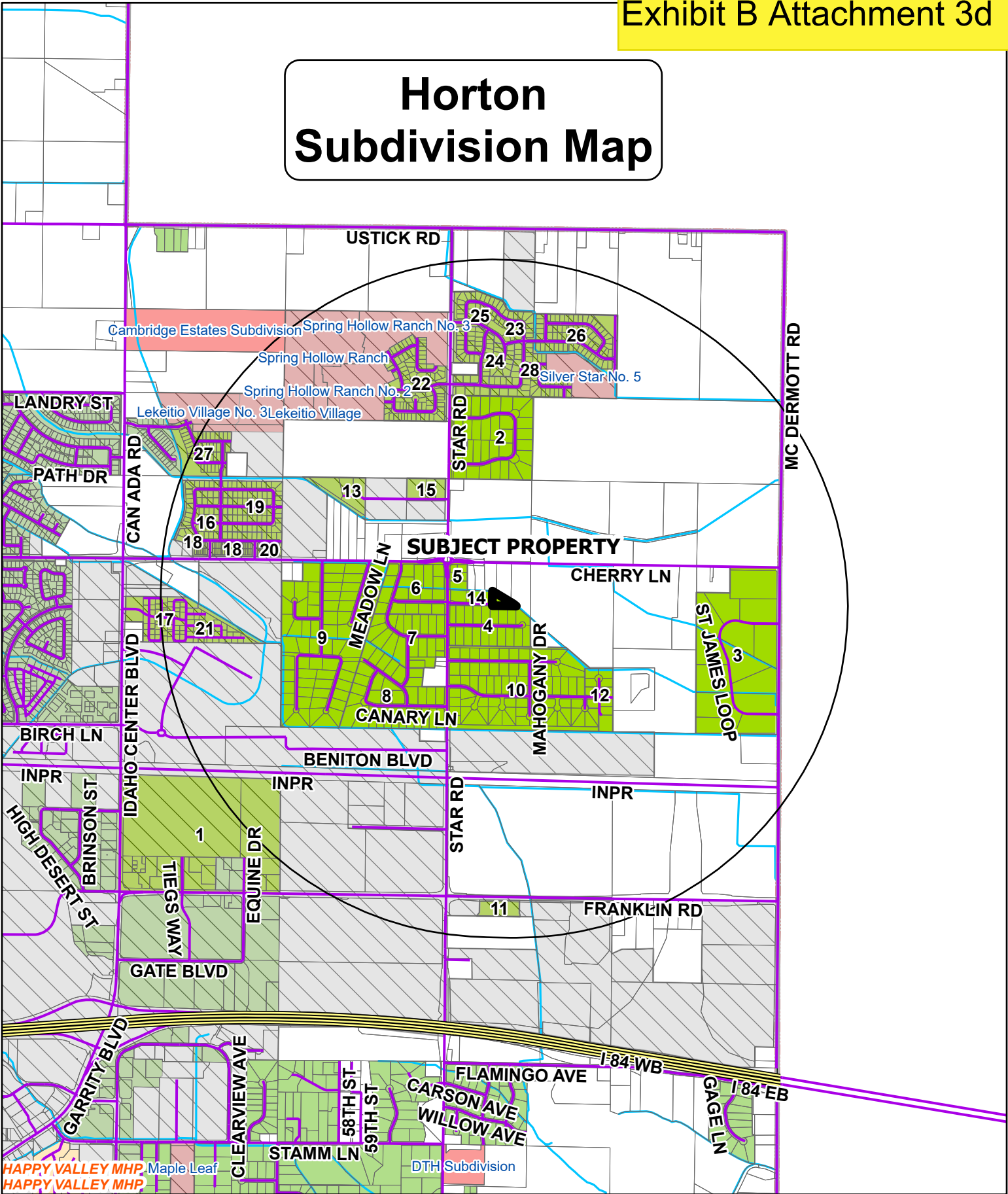
Legend

Future Land Use 2011_2022

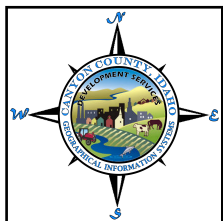
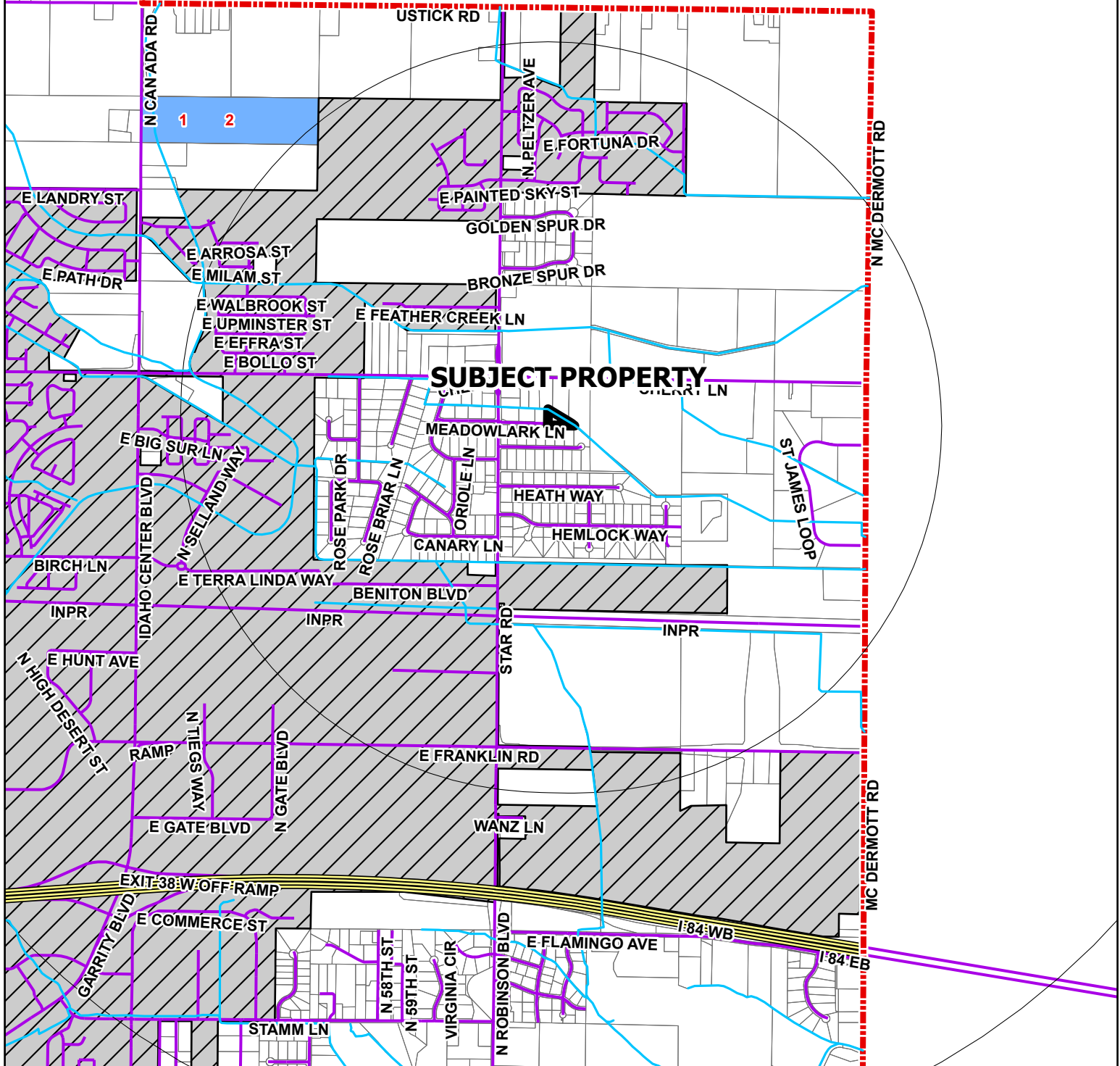
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL



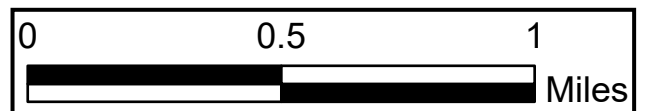
Horton Subdivision Map



Horton Case Map

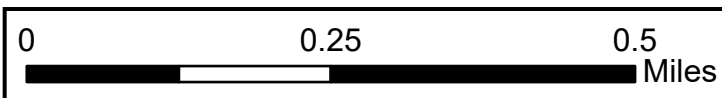
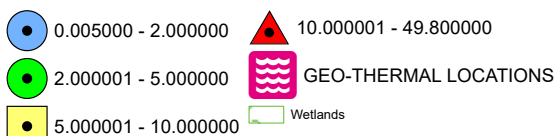
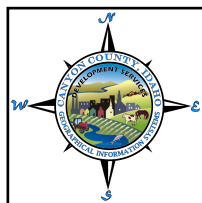
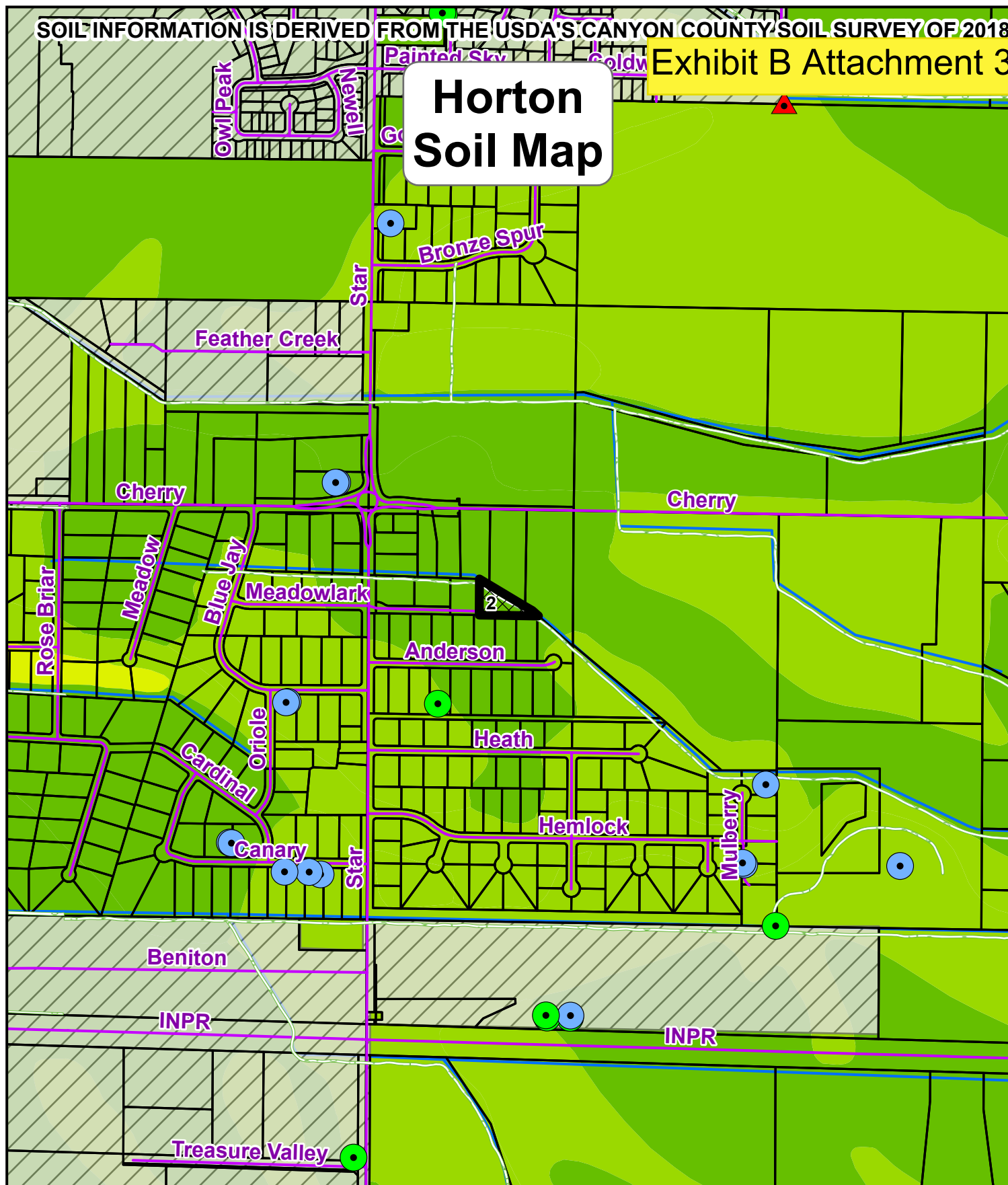


YEAR	
2018	2021
2019	2022
2020	



CASE SUMMARY				
ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	RZ2021-0032	Rezzone AG to R1	LTD Stro, LLC	APPROVED
2	OR2021-0015	Comp Plan Map change AG to Res	LTD Stro, LLC	APPROVED

Horton Soil Map



SOIL REPORT					
SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE	
2	BEST SUITED SOIL	46260.72	1.06	100.00%	
		46260.72	1.06	100%	

FARMLAND REPORT					
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE	
PpA	Prime farmland if irrigated	46260.72	1.06	100.00%	
		46260.72	1.06	100%	

SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550



Brad Little, Governor
Jess Byrne, Director

March 24, 2023

Sage Huggins, Planner
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
Sage.huggins@canyoncounty.id.gov

Subject: VAC2023-0001: Horton, Plat Vacation Request

Dear Sage Huggins:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:
<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK

Sage Huggins

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Wednesday, March 1, 2023 11:33 AM
To: Sage Huggins
Subject: [External] FW: Agency Notice Horton / VAC2023-0001
Attachments: VAC2023-0001 Horton.pdf

Good Morning Sage,

Nampa Highway District #1 has no comment as the Utility and Irrigation easement is not the Highway District's jurisdiction.

Thank you,

Eddy

Eddy Thiel
 ROW
eddy@nampahighway1.com
 4507 12th Ave. Rd. • Nampa, id 83686
 TEL 208.467.6576 • FAX 208.467.9916

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, March 1, 2023 11:27 AM
To: 'horner.marci@westada.org' <horner.marci@westada.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrrd@phd3.idaho.gov>; Nampa Rural Fire District <johnsonrl@nampafire.org>; Rob Johnson Nampa Fire <johnsonre@nampafire.org>; Eddy Thiel <eddy@nampahighway1.com>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'shayne.watterud@ziply.com' <shayne.watterud@ziply.com>; Boise Project Board of Control <tritthaler@boiseproject.org>; GAshley <gashley@boiseproject.org>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; 'd3development.services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; Niki Benyakhlef <niki.benyakhlef@itd.idaho.gov>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>; COMPASS <gis@compassidaho.org>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'cdillon@usbr.gov' <cdillon@usbr.gov>
Subject: Agency Notice Horton / VAC2023-0001

Good morning:

Please see the attached agency notice. The hearing date is "To be Determined", however the due date for comments is 3/30/2023.

Please direct your comments or questions to Planner Sage Huggins at sage.huggins@canyoncounty.id.gov

Thank you,



Bonnie Puleo
Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

NEW public office hours **effective January 3, 2023**

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****We will not be closed during lunch hour****

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

Sage Huggins

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Friday, March 3, 2023 2:55 PM
To: Sage Huggins
Cc: Bonnie Puleo
Subject: [External] RE: Agency Notice Horton / VAC2023-0001

Good Afternoon,

After careful review of the transmittal submitted to ITD on March 1, 2023 regarding Horton / VAC2023-0001, the Department has no comments or concerns to make at this time. The vacation of the easements does not impact the state highway system.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services

O: 208.334.8337 | C: 208.296.9750

Email: niki.benyakhlef@itd.idaho.gov

Website: itd.idaho.gov

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, March 1, 2023 11:27 AM
To: 'horner.marci@westada.org' <horner.marci@westada.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrd@phd3.idaho.gov>; Nampa Rural Fire District <johnsonrl@nampafire.org>; Rob Johnson Nampa Fire <johnsonre@nampafire.org>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'shayne.watterud@ziply.com' <shayne.watterud@ziply.com>; Boise Project Board of Control <tritthaler@boiseproject.org>; GAshley <gashley@boiseproject.org>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>; COMPASS <gis@compassidaho.org>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'cdillon@usbr.gov' <cdillon@usbr.gov>
Subject: Agency Notice Horton / VAC2023-0001

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good morning:

Please see the attached agency notice. The hearing date is "To be Determined", however the due date for comments is 3/30/2023.

Please direct your comments or questions to Planner Sage Huggins at sage.huggins@canyoncounty.id.gov

Thank you,



Bonnie Puleo

Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

NEW public office hours **effective January 3, 2023**

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****We will not be closed during lunch hour****

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

Sage Huggins

From: Caleb Laclair <laclairc@cityofnampa.us>
Sent: Thursday, March 2, 2023 3:46 PM
To: Bonnie Puleo; Kristi Watkins; Daniel Badger; Addressing; Doug Critchfield; Nathan Haveman; Char Tim; Sage Huggins
Subject: [External] RE: [External]Legal Notice Horton / VAC2023-0001

Hello Bonnie and Sage,

Our City Engineer came by just now and told me he had already talked with the applicant about this and had no concern with their request. Please rescind my previous comment and note that Nampa Engineering Division has no concern with the request.

Best,

Caleb LaClair, P.E.

Assistant City Engineer, Engineering

O: 208.468.5422, C: 208.250.2679

From: Caleb Laclair
Sent: Wednesday, March 1, 2023 1:28 PM
To: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>; Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfielddd@cityofnampa.us>; Nathan Haveman <havemann@cityofnampa.us>; Char Tim <timc@cityofnampa.us>
Subject: RE: [External]Legal Notice Horton / VAC2023-0001

Nampa Engineering Division does not recommend a full vacation of the easements. We recommend a minimum 5' wide easement remain to align with typical residential easement requirements for Nampa City platting policy and standards.

Best,

Caleb LaClair, P.E.

Assistant City Engineer, Engineering

O: 208.468.5422, C: 208.250.2679

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, March 1, 2023 11:17 AM
To: Caleb Laclair <laclairc@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfielddd@cityofnampa.us>; Nathan Haveman <havemann@cityofnampa.us>; Char Tim <timc@cityofnampa.us>
Subject: [External]Legal Notice Horton / VAC2023-0001

Caution: This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Highlight the suspect email and send using your Phish Button or call the helpdesk at 208-468-5454

Dear Agency;

You are hereby notified, pursuant to the Joint Exercise of Power Agreement between the City of Nampa and Canyon County, that the Development Services Department has accepted the following application: **VAC2023-0001**. Attached for your review is a copy of the letter of intent and a site plan. If you would like additional information please contact Planner Sage Huggins at sage.huggins@canyoncounty.id.gov.

Thank you,



Bonnie Puleo
Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

NEW public office hours **effective January 3, 2023**

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****We will not be closed during lunch hour****

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.



March 2, 2023

Sent via email to glenda.horton3333@gmail.com

Philip E. Horton and Glenda L. Horton
4832 Meadowlark Rd.
Nampa, ID 83687

Re: Easement Release

Dear Philip E. Horton and Glenda L. Horton:

Upon review of the attached letter, Idaho Power records indicate no company facilities are located within that certain area identified as the northerly and southerly easement area proposed for vacation. Therefore, Idaho Power has no objection to the proposed vacation of area described and attached hereto.

Thank you for providing Idaho Power Company the opportunity to review and comment upon the subject petition for vacation.

Sincerely,

Michael Churella
Corporate Real Estate Leader
Idaho Power Company / Corporate Real Estate
Land Management and Permitting Department
208-388-2690
Mchurella@idahopower.com

